

## Subpart D—Procedures for Approval of Containers After Manufacture

### § 115.37 General.

This subpart provides for the approval and certification of containers after manufacture, and for those altered so as to void their design type approval.

### § 115.38 Application.

A written request for approval of a container after manufacture may be made by the owner or operator to a Certifying Authority and must include the following:

- (a) Three copies, each no longer than 3 feet by 4 feet, of the Customs and TIR/Container plan;
- (b) Customs and TIR/Container plan number;
- (c) Three copies of the specifications which include the following information:
  - (1) Type of container;
  - (2) Name and business address of applicant;
  - (3) Identification marks and numbers;
  - (4) Tare weight;
  - (5) Nominal overall dimensions in centimeters;
  - (6) Type of construction and essential particulars of structure (nature of materials, coating system used, parts which are reinforced, whether bolts are riveted or welded, and similar matters); and
  - (7) Proposed location and date for inspection of the container.

### § 115.39 Eligibility.

The owner or operator may submit containers to be approved after the manufacturing stage to:

- (a) The Certifying Authority of the country of manufacture if such country is a contracting party to the Convention.
- (b) The Certifying Authority of the country where the owner or operator is resident or established, when such Certifying Authority has representatives located in the country of manufacture, which is a noncontracting party to the Convention.

- (c) The Certifying Authority of the country where a container is used for the first time for transport of merchandise under Customs seal or where it is otherwise physically located.

### § 115.40 Technical requirements for containers.

A container that is submitted for inspection for approval after manufacture, must comply with the requirements of Annex 7 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), November 14, 1975 (TIAS) and Annex 4 of the Customs Convention on Containers (Container Convention), December 2, 1972. Copies of Annex 7 and Annex 4 may be obtained from the Headquarters, U.S. Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

[T.D. 86-92, 51 FR 16161, May 1, 1986, as amended by T.D. 99-27, 64 FR 13675, Mar. 22, 1999]

### § 115.41 Certificate of approval for containers approved after manufacture.

The Certifying Authority shall issue an individual certificate of approval for each container that meets the requirements in § 115.40.

### § 115.42 Approval plates.

- (a) The owner or operator applicant shall, upon receipt of a certificate of approval from the Certifying Authority, affix an approval plate in the manner specified for containers approved by design type (see § 115.32).

- (b) Although an entry is not required in the space provided for type identifiers on an approval plate for containers approved after manufacture, identification number and letters indicating that a series of containers comply with the same specifications may be placed in such space. This may be used to assist in the identification of a series of containers in which a common defect may be discovered subsequent to certification. In such case the approval number on the plate shall be altered by an addition to the second or third element of such number. The specific

method of altering the approval number may be established by each Certifying Authority, for containers approved by it, and communicated to the U.S. Customs Service.

(c) Two possible methods of accomplishing this are:

(1) Placing an “X” in front of the numeric portion of the middle element of the approval number, e.g., USA/X123-IB/85.

(2) Placing a suffix at the end of the approval number, e.g., USA/123-AB/85-01.

**§ 115.43 Termination of approval.**

Approval of a container terminates upon a change in the container by a major repair or alteration of any of the essential features required in § 115.40. Repairs by replacement in kind do not constitute a change of the essential features.

**Subpart E—Procedures for Approval of Individual Road Vehicles**

**§ 115.48 General.**

This subpart provides for the approval and certification of individual road vehicles that comply with the technical requirements in § 115.51.

**§ 115.49 Application.**

A written request for approval of an individual road vehicle may be made by the owner, or carrier to a Certifying Authority and must include:

(a) Three copies, each no larger than 3 feet by 4 feet, of the Customs and TIR plan;

(b) Customs and TIR plan number;

(c) Three copies of the specifications which include the following information:

(1) Type of vehicle;

(2) Name and business address of owner or operator;

(3) Name of the manufacturer;

(4) Chassis number;

(5) Engine number (if applicable);

(6) Registration number;

(7) Particulars of construction;

(8) Any photos or diagrams required by the Certifying Authority to facilitate approval; and

(9) A proposed place and date for inspection of the road vehicle.

**§ 115.50 Eligibility.**

A road vehicle may be submitted for inspection by its owner or operator to a Certifying Authority of the country in which the owner or operator is a resident or is established, or where the vehicle is registered.

**§ 115.51 Technical requirements.**

A road vehicle that is submitted for inspection for individual approval must comply with the requirements of Annex 2 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), November 14, 1975, (TIAS). Copies of Annex 2 may be obtained from the Headquarters, U.S. Customs Service, Office of Field Operations, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

[T.D. 86–92, 51 FR 16161, May 1, 1986, as amended by T.D. 99–27, 64 FR 13675, Mar. 22, 1999]

**§ 115.52 Approval.**

The Certifying Authority shall issue a certificate of approval, valid for 2 years, to each road vehicle that complies with the applicable requirements in § 115.51.

**§ 115.53 Certificate of approval.**

A certificate of approval must be kept on the vehicle as evidence of approval.

**§ 115.54 Renewal of certificate.**

A certificate of approval may be renewed if the Certifying Authority determines by inspection every 2 years that the vehicle continues to comply with the applicable requirements in § 115.51.

**§ 115.55 Termination of approval.**

Approval of a road vehicle terminates:

(a) Upon expiration of the certificate of approval; or

(b) Upon a change in the road vehicle by a major repair or alteration of any of the essential features required in § 115.51. Repairs by replacement in kind do not constitute a change of the essential features.